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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME FOR
HEARING DEBTOR'S MOTION TO
COMPEL TURNOVER OF ESTATE
ASSETS**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud ("Cash Cloud," or "Debtor"), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on Debtor's *Motion to Compel Turnover of Estate*

Assets (the “Motion”).¹ This Application is made and based upon the following points and authorities, the *Declaration of Jeanette E. McPherson* (the “McPherson Declaration”) in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which is respectfully requested.

WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court hear the Motion on an order shortening time and grant such other and further relief as may be just and proper.

Dated this 16th day of June, 2023.

FOX ROTHSCHILD LLP

By: /s/Jeanette E. McPherson
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Counsel for Debtor

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),
5 seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,
11 when an act is required or allowed to be done at or within a specified
12 time by these rules or by a notice given thereunder or by order of court,
the court for cause shown may in its discretion with or without motion
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. As set forth in the Motion, the
22 Deposits are property of the Debtor’s estate. The Hosts are refusing the Debtor, and its agents, access
23 to the DCMs and therefore, the Deposits. The Deposits are property of the Debtor’s estate and must
24 be turned over to the Debtor pursuant to 11 U.S.C. § 542(a). The Deposits are due and owing without
25 dispute as they are monies contained in the DCMs. Accordingly, the Debtor requests that Hosts be
26 compelled to grant the Debtor, and its agents, immediate access to the DCMs and turn over the
27 Deposits to the Debtor. The amount of the Deposits is substantial and the Debtor needs these funds
28 to operate and meet its financial obligations due by the end of this month.

Copies of the Motion and their related pleadings shall be served on (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to the DIP Lender; (e) Debtor's secured creditors and (f) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and grant such other and further relief as may be just and proper.

Dated this 16th day of June 2023.

FOX ROTHSCHILD LLP

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EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Jeanette E. McPherson, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 16th day of June 2023.

By /s/Jeanette E. McPherson
JEANETTE E. MCPHERSON